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JC978 U.S. PTO  
09/829066

04/10/01

JC960 U.S.  
04/10/01

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April 10, 2001

**WRITER'S DIRECT NUMBER:**  
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**INTERNET ADDRESS:**  
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Commissioner for Patents  
Washington, D.C. 20231

**Box Patent Application**

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)  
Appl. No: To be assigned (continuation of 09/103,577, filed June 24, 1998,  
allowed)  
Filed: April 10, 2001  
For: **Method for Isolating and Recovering Target DNA or RNA  
Molecules Having a Desired Nucleotide Sequence**  
Inventors: P. Nisson *et al.*  
Our Ref: 0942.4800002/RWE/ALS

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.  
Patent and Trademark Office:

1. PTO Fee Transmittal (Form PTO/SB/17) (*in duplicate*);
2. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
3. U.S. Utility Patent Application entitled:

**Method for Isolating and Recovering Target DNA or RNA Molecules Having  
a Desired Nucleotide Sequence**

and naming as inventors:

Commissioner for Patents  
April 10, 2001  
Page 2

Paul E. NISSON, Joel JESSE, and Wu-bo LI

the application consisting of:

a A specification containing:

- i. 46 pages of description prior to the claims (including a sequence listing on pages 42 to 46);
- ii. 4 pages of claims (40 claims);
- iii. a one (1) page abstract;

b 3 sheets of drawings: (Figures 1-3); and

c. A copy of the executed combined Declaration and Power of Attorney, as originally filed in parent U.S. Appl. No. 09/103,577;

4. Application Data Sheet;
5. A Preliminary Amendment;
6. Amendment and Submission of Substitute Sequence Listing Under 37 C.F.R. § 1.825(a);
7. 4 pages of a paper copy of a sequence listing;
8. A computer readable copy of the sequence listing;
9. Letter to PTO Draftsman: Submission of Formal Drawings (*in duplicate*);
10. Three (3) sheets of Formal Drawings (Figs. 1-3);
11. Authorization to Treat a Reply As Incorporating an Extension of Time Under 37 C.F.R. § 1.136(a)(3) (*in duplicate*);
12. A copy of the Assignment as originally filed in parent U.S. App. No. 09/103,577;
13. A copy of the executed Power of Attorney from Assignee as originally filed in parent U.S. Appl. No.09/103,577;

EPO FEE DEPARTMENT

Commissioner for Patents  
April 10, 2001  
Page 3

14. A copy of the certificate under 37 C.F.R. § 3.73(b) as originally filed in parent U.S. Appl. No.09/103,577;
15. Revocation of Prior Power of Attorney and Appointment of New Attorneys of Record, as originally filed in parent U.S. Appl. No. 09/103,577;
16. A copy of the merger document between Life Technologies, Inc. and Invitrogen Corporation, recorded against parent U.S. Appl. No. 09/103,577 at Reel 011452, Frame 0123;
17. Two (2) return postcards; and
18. Our check No. 30909 for \$ 1,610.00 to cover:  
\$ 710.00 Filing fee for patent application; and  
\$ 900.00 Fee for excess claims.

In accordance with 37 C.F.R. § 1.821(f), the paper copy of the sequence listing and the computer readable copy of the sequence listing submitted herewith in the above application are the same.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond  
Attorney for Applicants  
Registration No. 32,893

RWE/ALS/asl  
Enclosures

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **FEE TRANSMITTAL for FY 2001**

*Patent fees are subject to annual revision.*

<b>TOTAL AMOUNT OF PAYMENT</b>	\$ 1,610.00	Attorney Docket No.	0942.4800002/RWE/ALS
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METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																																																																												
<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:</p> <p>Deposit Account Number <b>19-0036</b></p> <p>Deposit Account Name <b>Sterne, Kessler, Goldstein &amp; Fox P.L.L.C.</b></p> <p><input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> </tr> </thead> <tbody> <tr><td>Fee Code</td><td>Fee (\$)</td><td>Fee Code</td><td>Fee (\$)</td><td>Fee Description</td><td>Fee paid</td></tr> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>130</td><td>123</td><td>130</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>481</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr> <td colspan="5">Other fee (specify) :</td> <td></td> </tr> <tr> <td colspan="5">Other fee (specify) :</td> <td></td> </tr> <tr> <td colspan="5">*Reduced by Basic Filing Fee Paid</td> <td></td> </tr> <tr> <td colspan="5"></td> <td><b>SUBTOTAL (3) (\$)</b></td> </tr> </tbody> </table>					Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid	105	130	205	65	Surcharge - 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**SUBTOTAL (3) (\$)**

**Complete (*if applicable*)**

**SUBMITTED BY**

**Complete (*if applicable*)**

Name (Print/Type)	Robert W. Esmond	Registration No. (Attorney/Agent)	32,893	Telephone	202-371-2600
Signature				Date	April 10, 2001

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Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No. 0942,4800002/RWE/ALS

First Inventor Paul E. NISSON

Title Method for Isolating and Recovering Target DNA or RNA Molecules Having a Desired Nucleotide Sequence

Express Mail Label No.

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original, and a duplicate for fee processing)*

2.  Applicant claims small entity status.  
See 37 CFR 1.27.

3.  Specification [Total Pages 51]

4.  Drawing(s) (35 U.S.C. 113) [Total Sheets: 3]

5.  Oath or Declaration [Total Pages: 3]

- a.  Newly executed (original or copy)
- b.  Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 17 completed)*
- i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).

6.  Application Data Sheet. See 37 CFR 1.76.

7.  CD-ROM or CD-R in duplicate, large table or Computer Program  
*(Appendix)*
8. Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
- a.  Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i.  CD-ROM or CD-R (2 copies); or
- ii.  paper
- c.  Statements verifying identity of above copies

JC978 U.S. PTO  
09/829066  
04/10/01

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers [Total pages: 2]
10.  37 CFR 3.73(b) Statement  Power of Attorney  
*(when there is an assignee)*
11.  English Translation Document *(if applicable)*
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15.  Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
16.  Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: Authorization under 37 C.F.R. § 1.136(a)(3)
- Other: Revocation of Prior Power of Attorney and Appointment of New Attorneys of Record as filed in parent U.S. Appl. No. 09/103,577; and a copy of the merger document between Life Technologies, Inc. and Invitrogen Corporation, recorded against U.S. Appl. No. 09/103,577 at Reel 011452, Frame 0123.

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-Part (CIP)    of prior application No: 09/103,577

Prior application information: Examiner: S. Houtteman Group/Art Unit: 1656

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**18. CORRESPONDENCE ADDRESS**

Customer Number or Bar Code Label  
Customer No. 26111

or  Correspondence address below

26111

(Insert Customer Number or attach bar code label here)

NAME	STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. Attorneys at Law		
ADDRESS			
CITY	STATE	ZIP CODE	
COUNTRY	TELEPHONE	FAX	

NAME (Print/Type)	Robert W. Esmond	Registration No. (Attorney/Agent)	32,893
SIGNATURE	Robert W. Esmond		

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SKGF Rev 2/14/01 mac

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PATENT APPLICATION SERIAL NO. \_\_\_\_\_

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PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

04/11/2001 EFLORES 00000078 09829066

01 FC:101 710.00 OP  
02 FC:103 900.00 OP

PTO-1556  
(5/87)